

¶92.9 SOFT METRIC CONVERSION

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2779) to provide for soft-metric conversion, and for other purposes.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 4 of rule XIII, recognized Mrs. MORELLA and Ms. MCCARTHY, each for 30 minutes.

The following amendment recommended by the Committee on Science, was submitted:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings in Construction Act of 1996".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Metric Conversion Act of 1975 was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act requires that each Federal agency use the metric system of measurement in its procurements, grants and other business related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(2) Currently, many Federal agencies are requiring as a condition of obtaining Federal construction contracts that all bidders must agree to use products measured in round metric units, materials which are known as "hard-metric" products. This can require retooling, substantial capitalization costs, and other expensive production changes for some suppliers to physically change the size of the product.

(3) This "hard-metric" conversion requirement has sometimes been imposed without appropriate regard to whether that method is impractical or likely to cause significant costs or a loss of markets to United States firms.

(4) Some United States businesses that manufacture basic construction products suffer harm by being forced to convert to hard-metric production, or by being foreclosed from effectively bidding on Federal or federally assisted projects.

(5) This "hard-metric" conversion requirement may place domestic producers at a competitive disadvantage with respect to foreign producers; may reduce the number of companies that may compete for contracts with the Federal Government; and may force manufacturers to maintain double inventories of similar but incompatible products.

(6) This "hard-metric" conversion requirement has unnecessarily raised the cost to the Government of some lighting and concrete masonry products and there is consensus that relief is in order.

(7) While the Metric Conversion Act of 1975 currently provides an exception to metric usage when impractical or when it will cause economic inefficiencies, there is need for ombudsmen and procedures to ensure the effective implementation of the exceptions.

(8) The changes made by this Act will advance the goals of the Metric Conversion Act of 1975 while eliminating significant problems in its implementation.

SEC. 3. DEFINITIONS.

Section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (6), and (7), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) 'converted product' means a material or product that is produced as a result of a hard-metric conversion;"

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) 'hard-metric' means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English system measurement units which are subsequently reexpressed in the metric system of measurement;

"(5) 'hard-metric conversion' means a conversion that requires, in addition to the expression of the linear dimensions of a product under the metric system of measurement, a physical change in the size of that product relative to the size of that product established under the system of English measurements in production practices of the appropriate industry;"

(4) by striking "and" at the end of paragraph (6), as so redesignated by paragraph (1) of this section;

(5) by striking the period at the end of paragraph (7), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof "; and"; and

(6) by adding at the end the following new paragraph:

"(8) 'small business' has the meaning given the term 'small business concern' in section 3 of the Small Business Act (15 U.S.C. 632)."

SEC. 4. IMPLEMENTATION EXCEPTIONS.

The Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) is amended by inserting after section 11 the following new section:

"SEC. 12. (a) In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for structures or systems of concrete masonry be expressed under the metric system of measurement, but may not require that concrete masonry units be converted products.

"(b) In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may not require that lighting fixtures be converted products unless the predominant voluntary industry consensus standards are hard-metric."

SEC. 5. OMBUDSMAN.

Section 12 of the Metric Conversion Act of 1975, as added by section 4 of this Act, is further amended by adding at the end the following new subsection:

"(c)(1) The head of each executive agency that awards construction contracts shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

"(A) guidance or regulations issued by the agency on the use of the metric system of measurement in construction contracts; and

"(B) the use of the metric system of measurement for products or materials required for incorporation in individual construction projects.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

"(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 3(2), or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy.

"(3) The ombudsman shall respond to each complaint in writing within 30 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

"(A) the availability of converted products and hard metric production capacity of United States firms, or lack thereof;

"(B) retooling costs and capital investment impacts;

"(C) the impact on small business;

"(D) the impact on trade;

"(E) the impact on competition for Federal contracts;

"(F) the impact on jobs;

"(G) the impact on the competitiveness of United States firms; and

"(H) the cost to the Federal Government.

"(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency's decision on the ombudsman's recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner."

After debate,

Pursuant to clause 4 of rule XIII, the previous question on the amendment and the bill was considered as ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that three-fifths of the Members present had voted in the affirmative.

So, three-fifths of the Members present having voted in favor thereof, the bill was passed.

By unanimous consent, the title was amended so as to read: "An Act to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes."

A motion to reconsider the votes whereby the bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.10 NATO ENLARGEMENT FACILITATION

Mr. GILMAN moved to suspend the rules and pass the bill (H.R. 3564) to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; as amended.

The SPEAKER pro tempore, Mr. HAYWORTH, recognized Mr. GILMAN

and Mr. HAMILTON, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BEREUTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

¶92.11 IRAN OIL SANCTIONS

On motion of Mr. GILMAN, by unanimous consent, the bill (H.R. 3107) impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Page 7, strike out all after line 7, over to and including line 20 on page 8 and insert:

(b) Mandatory Sanctions With Respect to Libya.—

(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of \$40,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

On motion of Mr. GILMAN, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶92.12 FOOD QUALITY PROTECTION

Mr. ROBERTS moved to suspend the rules and pass the bill (H.R. 1627) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HAYWORTH, recognized Mr. ROBERTS and Mr. DE LA GARZA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BLILEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

¶92.13 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, July 22, 1996.

The question being put, *viva voce*,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the yeas had it.

So the Journal was approved.

¶92.14 H.R. 3564—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to clause 5, rule I, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3564) to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 353
affirmative } Nays 65

¶92.15 [Roll No. 338]

YEAS—353

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci

Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen

Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner

Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (MI)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cummings
Cunningham
Davis
de la Garza
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Kennelly
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Ewing
Farr
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frist
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling

Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchee
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McGehee
McHale
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez

Metcalf
Meyers
Mica
Millender-
McDonald
Miller (FL)
Moakley
Molinaro
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Petersen (FL)
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sawyer
Schaefer
Schiff
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stokes
Studds
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns